

SENATE RECORD VOTE ANALYSIS

105th Congress
1st Session

Vote No. 189

July 22, 1997, 9:59 am
Page S-7787 Temp. Record

TREASURY APPROPRIATIONS/Energy Efficiency Contracting

SUBJECT: Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1998 . . . S. 1023.
Stevens motion to table the Kohl (for Bingaman) amendment No. 937.

ACTION: MOTION TO TABLE FAILED, 35-64

SYNOPSIS: As reported, S. 1023, the Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1998, will provide \$25.207 billion in new budget authority (BA) for the Department of the Treasury, Postal Service, Executive Office of the President, and various independent agencies. This amount is \$1.105 billion more than provided in fiscal year (FY) 1997, and is \$455.9 million less than requested.

The Kohl (for Bingaman) amendment would strike section 630. Section 630 will prohibit Federal agencies from using funds for contracts to improve their energy efficiency unless they use competitive bidding to enter into those contracts.

Debate was limited by unanimous consent. Following debate, Senator Stevens moved to table the amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

NOTE: After the vote, the Bingaman amendment was adopted by voice vote.

Those favoring the motion to table contended:

Section 630 of this bill basically will require the enforcement of a law that is frequently ignored. That law requires Federal agencies to take steps to conserve energy, and, when entering into contracts to do so, to use competitive bidding. The second half of that equation is frequently ignored. The cost to the taxpayers of not using competitive bidding can be very large, considering the dollar amounts involved. The Office of Technology Assessment reports that Federal agencies spend about \$4 billion annually on utility bills, and that about \$1 billion of that amount could be saved if they took steps to make their use of energy more efficient. Section 630 will not disrupt existing contracts, nor will it make it impossible for utilities or any other companies to provide energy

(See other side)

YEAS (35)		NAYS (64)			NOT VOTING (1)	
Republicans (27 or 49%)	Democrats (8 or 18%)	Republicans (28 or 51%)	Democrats (36 or 82%)		Republicans (0)	Democrats (1)
Abraham	Cleland	Ashcroft	Akaka	Hollings		Rockefeller- ²
Allard	Feingold	Bond	Baucus	Inouye		
Bennett	Glenn	Brownback	Biden	Johnson		
Campbell	Kohl	Burns	Bingaman	Kennedy		
Chafee	Lautenberg	Cochran	Boxer	Kerrey		
Coats	Lieberman	Craig	Breaux	Kerry		
Collins	Murray	DeWine	Bryan	Landrieu		
Coverdell	Wellstone	Domenici	Bumpers	Leahy		
D'Amato		Enzi	Byrd	Levin		
Frist		Faircloth	Conrad	Mikulski		
Gorton		Grams	Daschle	Moseley-Braun		
Gramm		Hagel	Dodd	Moynihan		
Grassley		Hatch	Dorgan	Reed		
Gregg		Helms	Durbin	Reid		
Hutchison		Hutchinson	Feinstein	Robb		
Kyl		Inhofe	Ford	Sarbanes		
Mack		Jeffords	Graham	Torricelli		
McCain		Kempthorne	Harkin	Wyden		
McConnell		Lott				
Roberts		Lugar				
Roth		Murkowski				
Santorum		Nickles				
Sessions		Smith, Bob				
Shelby		Smith, Gordon				
Snowe		Specter				
Stevens		Thomas				
Thompson		Thurmond				
		Warner				

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

saving goods or services to the United States Government; the sole effect of this amendment will be to make sure that when the Government buys such goods and services it will buy them at the best possible price. Section 630 will not change the law; all it will do is allow money to be spent in accordance with the law, and it will impose that requirement in order to save the taxpayers' money. We therefore strongly support the motion to table the Bingaman amendment, which would strike section 630 from the bill.

Those opposing the motion to table contended:

Section 630 addresses a supposed problem in the way that a very complex law is being administered. In the process, it will have very harmful side effects. Our colleagues contend that the Energy Policy Act (EPAAct) requires all energy efficiency contracts to be entered into through competitive bidding. One reading of the EPAAct would require such bidding; however, it would be a pretty strained reading considering that the Act also authorizes and encourages agencies to enter into contracts with electric, water, and other utilities, which in almost all cases are regulated monopolies. In other words, it is not possible to use competitive bidding to enter into contracts with utilities, because they do not have competition. Section 630, based on this strained reading of the EPAAct, will outlaw sole-source procurement contracts. The result will be Federal agencies will not be able to participate in programs that would result in substantial savings to the taxpayers. For instance, an agency could not participate in a local utility program to offer electricity at reduced rates if it is used mainly at off-peak hours. Further, we point out that many agencies have already entered into such contracts with utilities. Those contracts, which are resulting in substantial savings, will be effectively cancelled by this amendment because no payments on them will be allowed. We pledge to our colleagues that we will work with them to ensure that sole-source contracts are entered into at the best prices possible. We know that the authorizing committee is committed to examining this issue, and we are confident that after careful consideration a solution that is satisfactory to all Senators can be reached. For now, we urge Senators to join us in supporting the Bingaman amendment to strike section 630.